

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RANDALL HAMPTON, #226420,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06-CV-400-MHT
)	
PRISON HEALTH CARE SERVICES, et al.,)	
)	
Defendant.)	

O R D E R

On August 16, 2006, the plaintiff filed an amendment to his complaint in which he names the Alabama Department of Corrections and correctional officers, Frizpatch (Fitzpatrick), Hanes and Perkins of the Bullock County Correctional Facility as defendants. Specifically, the plaintiff asserts that he suffered a seizure in the presence of these officers and they failed to obtain medical treatment for his condition.¹ Accordingly, it is

ORDERED that:

1. The aforementioned individual defendants undertake a review of the subject matter of the complaint, as amended, (a) to ascertain the facts and circumstances; (b) to consider whether any action should be taken to resolve the subject matter of the complaint; and (c) to determine whether other similar complaints should be considered together.

1. In his original complaint and special report/amendment to the complaint (Court Doc. No. 15-1 and Court Doc. No. 15-2), the plaintiff asserts that the defendants have denied him adequate medical treatment for seizures.

2. Defendants Fitzpatch (Fitzpatrick), Hanes and Perkins shall file a written report containing the sworn statements of all persons having knowledge of the subject matter of the complaint, as amended. This report shall be filed with the court and a copy served upon the plaintiff within forty (40) days of the date of this order. Authorization is hereby granted to interview all witnesses, including the plaintiff. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the written report. Where the plaintiff's claims or the defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines.

3. An answer shall be filed by defendants Fitzpatch (Fitzpatrick), Hanes and Perkins within forty (40) days from the date of this order.

4. The original defendants be GRANTED an extension to and including forty (40) days from the date of this order to file a written report and answer in compliance with the order entered on July 14, 2006.

5. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the complaint, as amended, be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.

The plaintiff is CAUTIONED that any further amendments to the complaint must

be accompanied by a motion to amend and no further amendment will be allowed by this court without a showing of exceptional circumstances.

The CLERK is hereby DIRECTED to furnish a copy of this order to the plaintiff and a copy of this order, the complaint and amendments to the complaint (Court Doc. No. 15-1 and Court Doc. No. 15-2) to defendants Fitzpatch (Fitzpatrick), Hanes and Perkins and a copy of this order and the amendments to the complaint to counsel for Prison Health Care Services, Inc. A copy of this order, the complaint and amendments to the complaint shall likewise be furnished to the General Counsel for the Alabama Department of Corrections and the Attorney General for the State of Alabama.

Done this 22nd day of August, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE